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10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 JAYLA JOHNSON and UNIQUE WILSON,

CASE NO.: 2:17-cv-00517-JCM-VCF

13 Plaintiffs,

14 vs.

**STIPULATION AND ORDER TO EXTEND  
DISCOVERY (Fourth Request)**

15 RICHARD LEON PEREZ; WAL-MART  
16 TRANSPORTATION, LLC; DOES I through X,  
inclusive and ROE BUSINESS ENTITIES I  
17 through X, inclusive,

18 Defendants.  
19

20 IT IS HEREBY STIPULATED AND AGREED by Plaintiffs and Defendants that the  
21 Scheduling Order, dated March 13, 2018 (Document No. 19), be extended 45 days.

22 Per Federal Rules of Civil Procedure 16(b), and Local Rule 26-4 the following is included in  
23 support of the proposed 60 day extension to the Discovery Schedule (*new information in bold*  
24 *italics*):

- 25 1. Local Rule 26-4(a) Statement: See Exhibit A.  
26 2. Local Rule 26-4(b) Statement: See Exhibit B.  
27 3. Local Rule 26-4(c) Statement: The parties are requesting this extension because of  
28 Mr. Perez's current unavailability to attend deposition:

1. a) Plaintiffs have requested to take the deposition of Mr. Perez. However, on or about November 28, 2017, Mr. Perez advised Defense Counsel that he was experiencing chest pain and was scheduled to see a cardiologist on December 4, 2017. On or about January 17, 2018, Mr. Perez had an echocardiogram and is now being scheduled for additional testing. Until the test(s) is completed and he has doctor's clearance, Mr. Perez is unable to travel to Las Vegas and/or sit for and attend deposition in California. *Mr. Perez has been cleared to sit for deposition in Lindsay, California. Plaintiffs intend to take the deposition during June 2018.* As a result of same, the Parties have agreed to extend the expert disclosure regarding liability for the accident, Plaintiffs' Negligent Entrustment cause of action, and Plaintiffs' Negligent Hiring, Training, Supervision and Policies/Procedures cause of action. The Parties agree that expert disclosure regarding damages is closed.

4. Therefore, per Local Rule 26-4(d), the following bifurcated dates are proposed:

- a) Discovery Cut-Off Dates. The last day to conduct Discovery shall be Friday, August 31 2018.
- b) Federal Rules of Civil Procedure 26(a) Disclosures (Experts).

Damages		Liability for the Accident; Negligent Entrustment; and Negligent Hiring, Training, Supervision	
Expert disclosure	Closed	Expert disclosure <sup>1</sup>	Monday, July 2, 2018
Rebuttal disclosure	Closed	Rebuttal disclosure <sup>2</sup>	Monday, July 30, 2018

- c) Interim Status Report (2<sup>nd</sup> Report). The parties shall file the interim status report (4<sup>th</sup> Report) required by Local Rule 26-3 by Monday, July 2, 2018. This date is not later than 60 days before the discovery cut-off date.
- d) Dispositive Motions. The parties shall have until Monday, October 1, 2018 to file any dispositive motions. This date does not exceed the outside limit of 30

<sup>1</sup> This date is not later than 60 days before the proposed discovery cut-off date.

<sup>2</sup> This is 28 days after the deadline for initial disclosure of experts.

1 days following the Discovery cut-off date that Local Rule 26-1(e)(4)  
2 presumptively sets for filing dispositive motions.

3 e) Pre-trial Order. The pre-trial order shall be filed Tuesday, October 30, 2018  
4 which is not more than 30 days after the date set for filing dispositive motions.  
5 This deadline is suspended if dispositive motions are timely filed. The  
6 disclosures required by Federal Rules of Civil Procedure 26(a)(3) shall be  
7 made in the joint pre-trial order.

8 f) Extensions or Modifications of the Discovery Plan and Scheduling Order.  
9 Any stipulation or motion must be made no later than 21 days prior to the  
10 deadline sought to be extended.

11 The parties recognize and acknowledge that this stipulation is being filed outside of the  
12 presumptive 21-day time period for extending the expert disclosure deadline. However, they  
13 respectively submit that the circumstances explained in Section 3 above constitute excusable neglect.

14 DATED this 3<sup>rd</sup> day of May, 2018.

15  
16 /s/ Bruce Scott Dickinson  
17 BRUCE SCOTT DICKINSON  
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DATED this 3<sup>rd</sup> day of May, 2018.

/s/ Anthony Ashby  
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23  
24 **ORDER**

25 It is so ordered this 4<sup>th</sup> day of May, 2018.

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28 U.S. MAGISTRATE JUDGE

## **Exhibit List A: Discovery Completed**

<b>DATE</b>	<b>DESCRIPTION</b>
3/28/17	Defendants' Initial FRCP 26 Disclosure disclosing five witnesses and 34 pages of non-medical records
4/18/17	Plaintiffs' Initial FRCP 26 Disclosure disclosing 11 witnesses, multiple treating providers, 38 pages on non-medical records, and 669 pages of medical records
4/18/17	Defendant Wal-Mart Transportation, Inc.'s First Set of Interrogatories and Requests for Production to Unique Wilson
4/18/17	Defendant Richard Leon Perez's First Set of Interrogatories and Requests for Production to Unique Wilson
4/18/17	Defendant Wal-Mart Transportation, Inc.'s First Set of Interrogatories and Requests for Production to Jayla Johnson
4/18/17	Defendant Richard Leon Perez's First Set of Interrogatories and Requests for Production to Jayla Johnson
6/17/17	Defendants' FRCP 26 Disclosure (First Supplement) disclosing 324 pages of medical and billing records from seven medical providers for Ms Johnson; and 307 pages of medical and billing records for Ms. Wilson.
9/15/17	Plaintiff Unique Wilson's Answers to Wal-Mart Transportation, Inc.'s First Set of Interrogatories and Requests for Production
9/15/17	Plaintiff Unique Wilson's Answers to Richard Leon Perez's First Set of Interrogatories and Requests for Production
9/15/17	Plaintiff Jayla Johnson's Answers to Wal-Mart Transportation, Inc.'s First Set of Interrogatories and Requests for Production
9/15/17	Plaintiff Jayla Johnson's Answers to Richard Leon Perez's First Set of Interrogatories and Requests for Production
10/17/17	Defendants' FRCP 26 Disclosure (Second Supplement) disclosing Richard Leon Perez's Driver Qualification File and Wal-Mart Accident File
10/18/17	Defendants' FRCP 26 Disclosure (Third Supplement) disclosing Wal-Mart registration for 2013 Peterbilt tractor
10/20/17	Plaintiff Johnson appeared for Defendants' requested FRCP 35 examination

10/31/17	Deposition of Unique Wilson
11/22/17	Defendants' FRCP 26 Disclosure (Fourth Supplement) disclosing Plaintiff Johnson's Facebook video; posted November 15, 2017
11/22/17	Deposition of Jayla Johnson
12/4/17	Defendants' FRCP 26 Disclosure (Fifth Supplement) disclosing Zoran Maric, MD, his curriculum vitae, testimony history, fee schedule, and Rule 35 examination of Jayla Johnson
12/13/17	Defendants' FRCP 26 Disclosure (Sixth Supplement) disclosing medical articles reviewed by Zoran Maric, MD
12/15/17	Plaintiff Wilson appeared for Defendants' requested FRCP 35 examination
1/19/18	Defendants' FRCP 26 Disclosure (Seventh Supplement) disclosing 1546 pages of medical records
2/2/18	Defendants' FRCP 26 Disclosure (Eighth Supplement) disclosing Jospeh Peles, Ph.D, his curriculum vitae, testimony history, fee schedule, Zoran Maric's Rule 35 examination of Unique Wilson, and medical article reviewed by Zoran Maric, MD
2/2/18	Plaintiffs' FRCP 26 Disclosure (First Supplement) disclosing J. Marshall Anthony, D.O., his curriculum vitae, testimony history, fee schedule, and expert reports

## **Exhibit B: Discovery to be Completed**

Continue to obtain remaining records from Plaintiffs' pre and post accident medical providers
Obtain Plaintiffs' employment records and federal income tax returns
Depose the investigating officer(s)
Depose Plaintiffs' medical providers, and parties' experts
Designate experts related to liability for the accident and Plaintiffs' claims for Negligent Entrustment and Negligent Hiring, Training, Supervision
Depose Mr. Perez. However, on or about November 28, 2017, Mr. Perez advised Defense Counsel that he was experiencing chest pain and was scheduled to see a cardiologist on December 4, 2017. On or about January 17, 2018, Mr. Perez had an echocardiogram and is now being scheduled for additional testing. Until the test(s) is completed and he has doctor's clearance, Mr. Perez is unable to travel to Las Vegas and/or sit for and attend deposition in California. <b><i>Mr. Perez has been cleared to sit for deposition in Lindsay, California. Plaintiffs intend to take the deposition during June 2018.</i></b>
Depose Wal-Mart's FRCP 30(b)(6) witness(es)
Depose Jose Jesus Hurtado regarding property damage to the vehicle Plaintiffs were in at the time of the accident
Depose accident witness(es), including but not limited to Tyler Scott